**THE HON'BLE SRI JUSTICE P.S.NARAYANA**

**WRIT PETITION NO.17526 OF 2006**

**DATED: 23.8.2006**

**BETWEEN:**

Madine Venkata Durga Achutamba. … Petitioner.

And

The State Election Commission, Hyderabad
And others. … Respondents.

**THE HON'BLE SRI JUSTICE P.S.NARAYANA**

**WRIT PETITION NO.17526 OF 2006**

**ORDER:**

The writ petition is filed for a writ of mandamus declaring the election of the fourth respondent as illegal and arbitrary and to pass such other suitable orders.

It is stated that the fourth respondent belongs to Turpu Kapu community. It is also stated that this community falls under Backward Class Community in Vishakapatnam and Srikakulam districts but the same does not fall under the Backward Class community in East Godavari district. Several other factual controversies had been narrated and it is stated that the petitioner also is a voter of Prathipadu village.

In view of the facts and circumstances, this Court is of the opinion that the factual controversies cannot be gone into by the writ Court and accordingly, the petitioner is at liberty to approach the appropriate Election Tribunal, if the petitioner is so advised.

The writ petition is disposed of accordingly. No order as to costs.

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**23.8.2006.**

**mdaa**